

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 25, 2002

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan,
Deputy Clerk.

Each of the following:

B152362 Mir v. Phoenix Healthcare
B160147 Athena H. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

B152761 County of Los Angeles
 v.
 Seneca Insurance Company

Merits:
Argued by Fred Klink, Deputy District Attorney for respondent. Cause
submitted.

B152505 Carol K. Rice
 v.
 George Boylan

Merits:
Argued by J. Brian Watkins for appellant. Cause submitted.

B155735 Tom Stanley, et al.
 v.
 Lockheed Information Management Services, et al.

Merits:
Argued by Patrick McAdam for appellants and by Charles J. Fleishman for
respondent. Cause submitted.

DIVISION ONE (Continued)

Mallano, J. leaves the bench.

B152536 Syncor International Corp.
 v.
 Hollywood Polymer Technology, Inc.

Merits:
Argued by Douglas G. Benedon for appellant and by Sascha Von Mende
for respondent. Cause submitted.

B150794 Holly Ann Nemarnik
 v.
 Los Angeles Kings Hockey Club L.P. et al

Merits:
Argued by Martina A. Silas for appellant and by Steven R. Parminter for
respondents. Cause submitted.

Mallano, J. returns to the bench.

B153802 Top Cat Productions, Inc., et al.
 v.
 Michael's Los Feliz, et al.
 American Contractors Indemnity Corp., et al.

Merits:
Argued by William J. Allard for appellants and by David P. Crochetiere for
respondents. Cause submitted.

B160087 Christopher B.
 v.
 Superior Court, Los Angeles County
 (Department of Children and Family Services, r.p.i.)

Merits:
Argued by Christopher B. petitioner in propria persona. Counsel for real
party previously waived argument. Cause submitted.

Vogel, J. leaves the bench

DIVISION ONE (Continued)

B150367 Avak Avakian
 v.
 Meher Der Ohanessian

Merits:
Argued by Malcolm Tator for appellant and by Roy G. Weatherup for
respondent. Cause submitted.

Court adjourned.

B151310 Haggerty (Not for Publication)
B151431 v.
 Perkins et al.
 Estate of Julice Haggerty, Deceased.

The orders are affirmed. The requests for sanctions are denied. The parties
are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B152607 People (Not for Publication)
 v.
 Scott

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Ortega, J.

September 25, 2002 (Continued)

DIVISION ONE (Continued)

B155943 People
 v.
 Brown

(Not for Publication)

The judgment is modified pursuant to Penal Code section 654 to stay imposition of the eight-month consecutive sentence for unlawfully taking a motor vehicle (count 4), and the trial court is directed to forward a copy of an amended abstract of judgment reflecting the modification to the Department of Corrections. As modified, the judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B156286 Los Angeles County, D.C.S. v. Vincent S. (Certified for Publication)
B158906 In re Vincent A. on Habeas Corpus

The January 31, 2002, order terminating Vincent's parental rights and freeing Megan for adoption is reversed, and the cause is remanded to the dependency court with directions (1) to vacate the November 12, 1997, disposition orders as to Megan, and all subsequent orders affecting Megan, and to conduct those proceedings anew after providing proper notice to Vincent and an opportunity for him to be heard; (2) to determine Vincent's status vis-à-vis Ashley and, if it is in Ashley's best interests, to authorize visitation; and (3) to order the Department to provide all appropriate reunification services to Vincent. The petition for a writ of habeas corpus is granted to the extent necessary to vest jurisdiction in the dependency court to make the appropriate orders with regard to Megan and Ashley.

Vogel (Miriam A.), J.

I concur: Ortega, J.
I concur in judgment only: Spencer, P.J.

September 25, 2002 (Continued)

DIVISION ONE (Continued)

B157091 People (Not for Publication)
v.
Rogelio G.

The order of wardship is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B153802 Top Cat Productions, Inc., et al (Certified for Publication)
v.
Michael's Los Feliz et al
American Contractors Indemnity Company

The order is affirmed. Top Cat is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B156046 People (Not for Publication)
v.
Herbert Godoy, et al

The judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

September 25, 2002 (Continued)

DIVISION ONE (Continued)

B153745 People (Not for Publication)
v.
Alton Semaj Burns

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B155190 People (Not for Publication)
v.
Louis Maldonado

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

[illegible]

The order of wardship is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B157288 John H. et al (Not for Publication)
v.
Cheryl D.-F.
Adoption of Allicia C., a Minor

The order under review is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B147476 Zuker, et al. (Not for Publication)
 v.
 Linkletter, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B154244 People (Not for Publication)
 v.
 Davis

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B155273 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Rose P.

The order of the juvenile court is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

September 25, 2002 (Continued)

DIVISION TWO (Continued)

B154144 People (Not for Publication)
v.
Carroll

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B155896 Diane L. Johnson, et al.
v.
Superior Court, Los Angeles County
(California Cryobank, Inc., r.p.i.)

Filed order denying petition for rehearing.

DIVISION FOUR

B158918 People (Not for Publication)
v.
Alvarez

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

September 25, 2002 (Continued)

DIVISION FOUR (Continued)

B152490 Mizutani (Not for Publication)
v.
California State University Long Beach

The judgment is reversed. The matter is remanded for further proceedings consistent with this opinion. Appellant Mitzutani to recover costs on appeal.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B142528 Jack Martin, et al (Not for Publication)
v.
County of Los Angeles, et al.

The judgment is affirmed. Each party to bear their own costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B148828 In re the Matter of Katherine Kazuko (Not for Publication)
and Fred S. Yokoyama Living Trust

The judgment is affirmed. Respondent(s) to recover costs.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B157341 People (Not for Publication)
v.
Carter

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B151283 Los Angeles County, D.C.S. (Certified for Publication)
v.
Diana S.

The orders of May 25, 2001 and August 2, 2001, denying appellant a contested hearing under subdivision (e) of section 366.3, and May 31, 2001, summarily denying appellant's section 388 petition, are reversed. The matter is remanded for the juvenile court to conduct a contested review hearing on continued long-term foster care, visitation and to further consider issues addressed in appellant's section 388 petition.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B153894 People
v.
Travers

Filed order denying petition for rehearing.

DIVISION SIX

B156466 Nicole Land (Certified for Publication)
v.
Worker's Compensation Appeals Board
Cal Poly Foundation et al., Respondent

The writ petition is denied. The parties are to bear their own costs.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

September 25, 2002 (Continued)

DIVISION SIX (Continued)

[illegible]

The judgments, as pronounced by the trial court, are modified to require a consecutive sentence of eight months on count 10 in case number 1013499. As modified, the aggregate sentence on the three cases is 18 years.

The trial court is ordered to amend the minute orders of June 28, 2001, as follows: (1) in case number 1013499, the sentences shall be one year, four months, on count 9 and eight months on count 10; (2) in case number 1031513, the reference to count 4 shall be deleted; and (3) "consecutive" shall be substituted for "concurrent" in the three places where "concurrent" appears.

The trial court is further ordered to amend the abstracts of judgment to show consecutive sentences of one year, four months, on count 9 and eight months on count 10 in case number 1013499. The court shall forward certified copies of the amended abstracts to the Department of Corrections. In all other respects, the judgments are affirmed.

Yegan, J.

I concur: Coffee, Acting P.J.
I dissent: Perren, J. (Opinion)

B150839 People (Certified for Partial Publication)
v.
Maguire

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

September 25, 2002 (Continued)

DIVISION SIX (Continued)

B154548 People (Not for Publication)
v.
Robinson

We reverse Robinson's conviction for possession of cocaine base. (Health and Saf. Code, Section 11350, subd. (a).) We also remand to the trial court for the sole purpose of resentencing Robinson on the section 667.5, subdivision (b), and the Health and Safety Code section 11370.2, subdivision (a), enhancements. The enhancements must be imposed or stricken pursuant to section 1385, subdivision (a). Otherwise, we affirm.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B158531 People (Not for Publication)
v.
Kelly

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B160182 Eric K. (Not for Publication)
v.
The Superior Court of San Luis Obispo
SLO Dept. of Social Services (Real party in Interest)

The petition is denied.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

September 25, 2002 (Continued)

DIVISION SIX (Continued)

B155536 People (Not for Publication)
v.
Mc Coggle

The judgment of commitment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The appeal is dismissed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B137799 People (Not for Publication)
v.
Gonzales

The judgment and sentence are affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B152299 DDT Med Credit, LLC (Not for Publication)
v.
Bombola

The post-judgment orders are affirmed. Costs are awarded to DDT.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B152794 Newman (Not for Publication)
v.
McLean

The judgment is affirmed. McLean is entitled to costs on appeal.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

[illegible]

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

B148490 Sweeney (Not for Publication)
v.
City of Los Angeles

The judgment is reversed and the cause is remanded to the trial court with directions to grant the motion for summary adjudication of the 1992 and 1997 claims under ADA and the 1992 claim under FEHA and deny the motion for summary adjudication of the 1997 claim under FEHA. Each party to bear its own costs on appeal. Each party to bear its own costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

September 25, 2002 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

B146225 Sklar
v.
La Societe de la Musique

Filed order modifying opinion. Petition for rehearing by La Societe de la Musique is denied. (Change in judgment)

DIVISION EIGHT

B158722 In re Wilmer Eduardo Alberto (Certified for Publication)
on
Habeas Corpus

The petition for habeas corpus is granted with directions to the trial court to conduct a further bail hearing consistent with the views expressed herein or set bail at \$35,000. Compliance shall be within five court days of the date this decision becomes final. This decision shall become final as to this court five days after it is filed. (Cal. Rules of Court, rule 24(d).)

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B145576 Bakshi
v.
State Fund

Petition for rehearing is denied by operation of law (Rule 27 (e), Cal. Rules of Court). Justices Cooper, Boland and Rubin would deny.